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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ROSEN, NICHOLAS D

ART UNIT PAPER NUMBER

3625

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/880,485

Applicant(s)

WALDEN, JOHN C.

Examiner

Nicholas D. Rosen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-24 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 25-40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/15/02 & 11/26/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claims 1-40 have been examined.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "items 12," mentioned in line 26 of page 5, and at many subsequent points in the specification, nowhere in the drawings; "page 30," mentioned on page 7 (lines 15, 16, 17, etc.), not in Figure 3 (or elsewhere in the drawings); and "personalized folder 410," mentioned on page 9, lines 11, 12, 14, and 18, page 10, lines 3, 20, and 30, page 11, line 30, page 12, lines 25 and 26, page 13, line 18, page 14, lines 1 and 14, page 15, lines 3, 5, 9, 10, and 16, page 16, lines 3 and 5, and page 17, line 6, nowhere in the drawings. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it is two paragraphs, and 247 words long, very considerably exceeding the permitted length. Correction is required. See MPEP § 608.01(b).

The list of drawings in the Brief Description on pages 4 and 5 does not correspond to the actual drawings, or, for that matter, to the detailed description set forth in the subsequent pages of the specification.

The disclosure is objected to because of the following informalities: On page 6, there is a paragraph break in the middle of a word (as well as middle of a sentence).

Appropriate correction is required.

Claim Objections

Claims 25-38 are objected to because of the following informalities: In the last two lines of claim 25, "site-within-a-site item" should be either "a site-within-a-site item" or "the site-within-a-site item". Appropriate correction is required.

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Claims 39 and 40 are objected to because of the following informalities: In the seventh line of claim 39, (element (b)), "pages which contains" is ungrammatical, and should be "pages, each of which contains" In the tenth line of claim 39 (element (c)), "sections from a user" should presumably be "selections from a user", and is so treated for examination purposes. In the eighteenth and nineteenth lines of claim 39, "said first tree" technically lacks antecedent basis. Examiner suggests that in the fifth line, "an item hierarchy navigation tree" be corrected to "a first item hierarchy navigation tree", and that in the sixth seventh lines, the two instances of "said navigational tree" be corrected to "said first navigational tree". Appropriate correction is required.

Allowable Subject Matter

Claims 1-24 are allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art of record, Spiegel et al. (U.S. Patent 6,466,918 B1), discloses a feature on a web site that presents items for customer evaluation in an item hierarchy having categories (e.g., Figures 1A and 1B), and further discloses (a): a personalized folder in which users can store items for further consideration (the shopping cart mentioned, e.g., in column 10, lines 12-16). However, Spiegel does not disclose (b) a category overview page that automatically categorizes the items placed into the personalized folder utilizing some of the categories used in the item hierarchy, the category overview page then displaying the items in the personalized folder according to the categories used in the categorization, nor does any other prior art of record teach or reasonably suggest

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this. Electronic shopping carts are known (and described in more detail than in the Spiegel patent), and hierarchical folders are known, but the prior art of record does not teach or motivate the combination, and in particular, does not teach or suggest automatically categorizing the items placed into the personalized folder utilizing some of the categories used in the item hierarchy for a web site comprising a personal folder.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 25-38 would be allowable if amended to correct the minor informality objected to above.

The following is a statement of reasons for the indication of allowable subject matter: The closest prior art of record, Spiegel et al. (U.S. Patent 6,466,918 B1), discloses a web site that presents items for customer evaluation, comprising: (a) a product hierarchy containing multiple items available on the web, the product hierarchy having (i) categories and subcategories into which the items are categorized, and (at least by implication) (ii) an item detail page containing detailed information about a single item (Abstract; Figures 1A and 1B, etc.); and (b) a site-within-a-site feature having the ability to store site-within-a-site items that have been selectively added to the site-within-a-site feature by the user for later consideration, the site-within-a-site feature having (at least by implication) (i) a main site-within-a-site page listing the site-within-a-

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site items (the shopping cart mentioned, e.g., in column 10, lines 12-16). However, Spiegel does not disclose a site-within-a-site product detail page containing detailed information about a single site-within-a-site item, a link to the main site-within-a-site page, and at least one link to a second site-within-a-site product detail page for the a site-within-a-site item, nor does any other prior art of record teach or reasonably suggest this. Electronic shopping carts are known (and described in more detail than in the Spiegel patent), and hierarchical folders with links are known, but the prior art of record does not teach or motivate the combination.

Claims 39 and 40 would be allowable if amended to correct the minor informalities objected to above.

The following is a statement of reasons for the indication of allowable subject matter: The closest prior art of record, Spiegel et al. (U.S. Patent 6,466,918 B1), discloses a web site for selling items to users, comprising: (a) hierarchical organization scheme for organizing all of the items available on the web site; a first item hierarchy navigational tree for accessing item information using the hierarchical categorization scheme, said first navigational tree having as its ultimate root a home page, and said first navigational tree having as its leaf nodes (presumably and by implication) item detail pages, each of which contains information about a single item (Abstract; Figures 1A and 1B, etc.). Spiegel further discloses (c) personalized storage means, unique to a user name, for storing item selections from a user (the shopping cart mentioned, e.g., in column 10, lines 12-16); and (d) an automatic categorization mechanism for

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automatically categorizing the user selections according to the hierarchical categorization scheme (column 6, lines 21-39). However, Spiegel does not disclose a second navigational tree for accessing item information for the user item selections, the second navigational tree also using the hierarchical categorization scheme with the home page as its ultimate root, and containing only item detail pages for the user item selections as its leaf nodes, with said second tree and said first tree having no leaf nodes in common, wherein the second navigational tree is expanded and pruned as the user adds and removes item selections from the personalized storage means, nor does any other prior art of record teach or reasonably suggest this. Electronic shopping carts are known (and described in more detail than in the Spiegel patent), and navigational trees are known, but the prior art of record does not teach or motivate the combination, especially not with the various details recited in claim 39.

Comment Regarding IDS

In initialing "www.buy.com", listed on the IDS mailed November 26, 2002, the Examiner only indicates that he has read and considered the pages printed from www.buy.com, apparently on November 4, 2002, and submitted by Applicant. This does not exclude the possibility that other pages from www.buy.com, or pages on that site at another date, might be prior art which could be a basis to reject some or all of Applicant's claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Uppala (U.S. Patent 6,279,007) discloses an architecture for managing query friendly hierarchical values. Jacobi et al. (U.S. Patent 6,317,722) disclose the use of electronic shopping carts to generate personal recommendations. Aggarwal et al. (U.S. Patent 6,356,879) disclose a content based method for product-peer filtering. Spiegel et al. (U.S. Patent 6,466,918) disclose a system and method for exposing popular nodes within a browse tree. Bailey et al. (U.S. Patent 6,785,671) disclose a system and method for locating web-based product offerings. Bleizeffer et al. (U.S. Patent Application Publication 2003/0033267) disclose the creation of customized trees. Ortega et al. (U.S. Patent Application Publication 2003/0050916) disclose computer processes for selecting nodes to call to attention of a user during browsing of a hierarchical browse structure.

Spiegel et al. (WO 99/67700) disclose a method and system for electronic commerce using multiple roles.

The anonymous article, "Lotus SmartCenter 1.0 Delivers Faster Internet Access for Microsoft Office," discloses an information center for retrieving and organizing information from Internet sites. Smith et al. ("A Smarter Way to Organize Files: Lotus's SmartCenter 2.0 Will Help . . .") disclose a later version of the Lotus information center. The anonymous article, "On Demand 2000 Exhibitor Profiles A to O; Conference and Exposition to Be Held Feb. 29 to March 2 in New York," discloses, inter alia, DataBase Publishing Software's Catalog Genie, for creating personalized catalogs. Moore

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("Finally, a CRM Suite for All Channels") discloses creating and saving Internet shopping carts. Seckler ("Sears.com Range of Goods Has Risen on Revised Site") discloses electronic shopping carts that can be applied across categories.

This application is in condition for allowance except for the following formal matters: the problems with the drawings, and the specification, and minor informalities in the claim language, as set forth above; also, the informalities objected to by the Draftsperson in the enclosed Notice of Draftsperson's Patent Drawing Review.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 703-305-0753. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins, can be reached on 703-308-1344. (Wynn Coggins is currently on assignment elsewhere in the Patent Office; the examiner's acting supervisor, Jeffrey Smith, can be reached at 703-308-3588.) The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Non-official/draft communications can be faxed to the examiner at 703-746-5574.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas D. Rosen
NICHOLAS D. ROSEN
PRIMARY EXAMINER
September 27, 2004